



Signed and Filed: November 16, 2023

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*Hannah L. Blumenstiel*

HANNAH L. BLUMENSTIEL  
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re: ) Case No. 23-30662 HLB  
 )  
INTERNATIONAL LONGSHORE and ) Chapter 11  
WAREHOUSE UNION, )  
 )  
Debtor. )

ORDER REGARDING DISCOVERY DISPUTE

On November 9, 2023, and consistent with the court's expedited procedures for addressing discovery disputes, the court received correspondence from counsel for Debtor International Longshore and Warehouse Union ("ILWU"), requesting the court's assistance with a discovery dispute that has arisen between ILWU and creditor ICTSI Oregon, Inc. ("ICTSI"). ILWU asks for a ruling that the relevant period for purposes of discovery leading up to a contested confirmation hearing be limited to January 1, 2019 - September 30, 2023.<sup>1</sup>

On November 15, 2023, ICTSI responded to ILWU's letter. ICTSI argues that a longer relevant period is justified, given ILWU's potential claims for substantive consolidation, avoidance of fraudulent transfers, and breach of fiduciary

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<sup>1</sup> ILWU filed its voluntary petition for relief under Subchapter V of Chapter 11 on September 30, 2023 (the "Petition Date").

1 duty, and the fact that the value of such claims is relevant to  
2 issues such as whether ILWU's plan satisfies 11 U.S.C.  
3 § 1129(a)(7)(A) (the "best interest test") and whether ILWU  
4 filed its plan in good faith as required by 11 U.S.C.  
5 § 1129(a)(3). Among other things, ICTSI points out that the  
6 statutes of limitation applicable to fraudulent transfer claims  
7 can extend as far back as seven years prior to the Petition  
8 Date, and that courts considering "claims" for substantive  
9 consolidation have considered facts dating from nine years pre-  
10 petition. ICTSI contends that the relevant period for purposes  
11 of its discovery should extend back to 2010 as to certain of  
12 its written discovery requests and to January 1, 2012 as to  
13 some of its other requests.

14 Other than as to its point about the statutes of  
15 limitation applicable to fraudulent transfer claims, the court  
16 finds ICTSI's arguments largely unconvincing. Accordingly, the  
17 court **ORDERS** that the relevant period for purposes of discovery  
18 in advance of the anticipated contested confirmation hearing  
19 shall be **September 30, 2016 - Petition Date.**

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22 **\*\*END OF ORDER\*\***  
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**Court Service List**

[None]